

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

March 13, 2012

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Rev. Charles W. Grant of the Clayton County Forest Park Ministers Association. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding a Consideration of Requests by Renee Bright, Director of Human Resources, after item #6 (Consider requests of Theodis Locke, Interim Director of Central Services/Risk Management) and deleting the Executive Session. Clerk Haywood also noted that there would be a 1st Reading only/with no Board vote on item #7 (Ordinance 2012-52 – An ordinance adopted under the Home Rule Powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically relevant sections of the Clayton County, Georgia Public Employee Retirement System to allow State Court Law Clerks to be eligible employees under the plan; etc.). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the March 6, 2012 Regular Business Meeting minutes. Vote unanimous.
5. PROCLAMATION: “Clayton County Honors World Champion Clayton County Fire and Emergency Services Relay Teams” (presented by Vice-Chairman Wole Ralph to Clayton County Fire & EMS).

NOTE: Group photos were taken of the honorees with the Board of Commissioners. Clerk Haywood read the proclamation for the benefit of the honorees and the audience.

6. Theodis Locke, Interim Director of Central Services/Risk Management, presented two (2) items for Board approval that resulted in the following actions. (NOTE: The Board voted on both of these items at once.)

- 1) Approved a bid (RFB Pkg. #12-01; 2/23/12) for a Clayton County Parks and Recreation Mobile Performance Stage, as requested by the Parks and Recreation Department. The recommendation is to award a contract to Wenger Corporation, located in Owatonna, MN, whose firm had the lowest overall responsive bid of \$121,913.00. Funding is available through SPLOST. Vote unanimous.

- 2) Approved a Request to Sell County Surplus Items. Central Services has finalized the list of requested sales items and needs to obtain the necessary approval from the Board of Commissioners to dispose of County assets. This request will include any items turned in up to the date of the sale. Items will be sold at the County’s Public Surplus Sale and/or utilizing the County’s contract with

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GovDeals.com. The Public Surplus Sale will be held on Thursday, May 17, 2012, from 9:00 a.m. to 3:00 p.m. Vote unanimous.

7. Renee Bright, Director of Human Resources, presented a request to fill vacancies that resulted in this action:

- 1) Approved a request to fill the following vacancies:
 - a. Superior Court Law Clerk, Sr.; Pay Grade 27; Salary of \$52,893.00
 - b. Library Assistant, Sr.; Pay Grade 15; Salary of \$35,543.00
 - c. Sheriff Correctional Officer (2 positions); Pay Grade 19; Salary of \$35,543.00
 - d. Police Officer II; Pay Grade 20; Salary of \$37,354.00

Vote unanimous.

8. Accepted the **1st Reading** of Ordinance 2012-52, an ordinance adopted under the Home Rule Powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically relevant sections of the Clayton County, Georgia Public Employee Retirement System to allow State Court Law Clerks to be eligible employees under the plan; etc. (NOTE: A **2nd Reading** of this ordinance will occur at the March 20, 2012 Regular Business Meeting, and the Board will vote on it at that time.)

9. Approved Ordinance 2012-53, an ordinance to amend the Clayton County Zoning Ordinance, specifically Article 8 “Sign Regulations”; so as to delete language contained in Sections 8.18 and 8.20 and insert in lieu thereof new language; to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; to provide for severability; and for other purposes. Section 8.18 deals with billboard sign standards and Section 8.20 pertains to electronic multiple message signs. The motion carried 4-1. Commissioner Edmondson opposed.

10. Approved Ordinance 2012-54, an ordinance to amend the Clayton County Zoning Ordinance, specifically Article 9 “Nonconforming Structures, Lots, And Uses”; so as to delete language contained in Sections 9.4 and 9.5 and insert in lieu thereof new language; to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; etc. Section 9.4 addresses nonconforming structures and Section 9.5 covers nonconforming uses or major structures and premises in combination. The motion carried 4-1. Commissioner Edmondson opposed.

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11. Approved Ordinance 2012-55, an ordinance to amend the Clayton County Zoning Ordinance, specifically Article 6 “Development Standards”; so as to delete language contained in Section 6.13 “Places of Worship, Theater and Amphitheater Standards (POW)” and insert in lieu thereof new language; to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; to provide for severability; and for other purposes. The motion carried 4-1. Commissioner Edmondson opposed.

Chairman Bell reminded Mr. Hancock to mention the status of the Executive Session following the business meeting tonight. Mr. Hancock stated that there is no need for an Executive Session tonight.

12. ZONING PETITION: **75 PROPERTY INVESTMENTS, LP/C. CRANDLE BRAY**
REZ/CUP 201202-02 (FLUM) & REZ/CUP 201202-03

- 1) The Applicant, 75 Property Investments, LP/C. Crandle Bray, is requesting an amendment to the Future Land Use Map from General Commercial to Industrial and requesting a change in the zoning classification from Article 3.21 General Business (GB) to Article 3.29 Light Industrial (LI) with a Conditional Use Permit for Heavy Equipment Rental and Sales for property located at 5840 Frontage Road in Forest Park, Georgia. The subject site is approximately 5.7 acres of land and otherwise known as Parcel Number 13109C B003.

ZAG Recommendation is Approval.

Commission District #2 – Commissioner Gail Hambrick

Chairman Bell asked if there were any opposition to this petition. There was no response from the audience. Chairman Bell then asked if the petitioner had any objection to the Board making a decision on the petition. Representative C. Crandle Bray voiced that he had no objection whatsoever.

Being that there was no opposition to this zoning petition, Commissioner Hambrick made a motion to approve it. Vice-Chairman Ralph seconded the motion. Vote unanimous.

13. ZONING PETITION: **BRANCH BANKING AND TRUST COMPANY/PUD201202-01**

- 2) The Applicant, Branch Banking and Trust Company, is requesting a change in the zoning classification of 25.392 acres of land located in Land Lot 186 of the 13th District of Clayton County within the Embassy Trace Subdivision. The request is to accept the Conceptual Development for property located at/within Land Lot 186 of the 13th District in Riverdale, Georgia, and otherwise known as Parcel Number 13166D A014. The subject property is

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currently zoned Single Family Residential (RS-180), and the request is to create 71 single family residential lots. ZAG Recommendation is Approval with Stipulations.

Commission District #3 – Vice-Chairman Wole Ralph

Chairman Bell asked if there were any opposition to this petition. There was no response from the audience.

Vice-Chairman Ralph noted that the petitioner was present tonight. He also expressed that due to the map being redrawn, this petition now falls inside of Commissioner Hambrick's new district (instead of his district). Vice-Chairman Ralph indicated that he had discussed this recent change with Commissioner Hambrick, and she needed an opportunity to meet, discuss, and walk through this petition with the petitioner (just as he had previously had). If the Board did not mind, Vice-Chairman Ralph said he would enter a motion to hold this petition to be brought back at a later time.

Chairman Bell asked the petitioner (Mr. Jim Miller) if he agreed to hold this petition. Mr. Miller agreed to do so.

Mr. Hancock alerted Chairman Bell that if the Board held this petition without conducting a public hearing, then the Board would have to re-advertise hearing this petition. On the other hand, if the Board proceeds tonight with the public hearing and gives anyone present an opportunity to be heard, the Board can bring back a decision only (without having to re-advertise a public hearing).

The Board agreed to hear from Mr. Jim Miller (the petitioner) tonight as well as any other persons who wished to speak to this petition.

Mr. Miller agreed to speak to the Board tonight and enumerated the following Community Development Department recommendations that he wanted to discuss:

1. Remove Lots 49 and 50, and reconfigure Lot 48. (Mr. Miller stated he had talked to the bank and there is no problem in removing those lots.)
2. Setbacks to be as follows: Front – 25 feet; Side – 5 feet, but not less than 20 feet between dwellings; and Rear – 30 feet. (Mr. Miller noted that this subdivision is already built. The roads and infrastructure are already in. Phase I has been final platted; Phase II was built and everything fell through before it was final platted. Now the bank wants to plat it so lots are sectioned and marked for building.)

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3. Minimum house size to be 2,000 square feet, which includes a 2-car garage. (Mr. Miller said the bank has requested a reduced minimum house size of 1,500 square feet. He knew the surrounding houses were at 1,700 square feet with the garages, but the bank is requesting 1,500 square feet.)
4. The front facades shall be constructed of brick, stone, stucco, or a combination thereof. (Mr. Miller indicated that the bank will not change this at all because these materials were on the original final plat.)
5. Thirty-three percent (33%) of the homes shall have a 2-car side entry garage. (Mr. Miller stated the bank has requested to reduce this to 15% because it was originally zoned Conservation with smaller lots. It is very difficult to put in a side entry garage on a 70 foot lot. The plats can be adjusted to make 15% work.)
6. Paths shall be constructed with a more durable material, such as rubber mulch, landscape fabric, pavers, or similar product. (Mr. Miller agreed with this recommendation.)
7. The front entrance of the subdivision and open space areas shall be landscaped in accordance with the Clayton County Zoning Ordinance Highway 138 Overlay District Standards. (Mr. Miller agreed with this recommendation.)
8. A planted 25 feet wide buffer must be maintained and/or planted along the western and northern boundary of the site where the tree canopy is sparse. (Mr. Miller agreed with this recommendation.)
9. Provide details of structures planned for open space. (Mr. Miller agreed with this recommendation.)
10. A 6 feet tall privacy fence must be provided around the entire site along the north, east and west boundary of the site including Phase 1. (Mr. Miller expressed that there is already a 25 foot natural buffer all the way around the property, which means there are existing trees which should not be disturbed. If a 6 feet tall privacy fence is installed, it will disturb the trees and this defeats the purpose of a natural buffer. The bank has requested that this recommendation be removed.)
11. Provide the necessary soil erosion control sheets and details. (Mr. Miller agreed with this recommendation.)
12. Provide retaining walls and details where appropriate. (Mr. Miller agreed with this recommendation.)
13. Any covenants, conditions, and restrictions to be recorded for development. (Mr. Miller agreed with this recommendation.)

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14. Complete an asphalt coring test and provide results to the Department of Transportation and Development for approval. (Mr. Miller agreed with this recommendation.)
15. Complete a test of the sanitary sewer infrastructure and the water distribution system and provide the results to the Water Authority for approval. (Mr. Miller stated this test has already been done and he had a copy of the report.)
16. To provide street lights. (Mr. Miller agreed to this recommendation which is a common request.)

Mr. Miller surmised that the bank agrees with all recommendations except items #3, #5, and #10. It requests that those items be changed to the above-mentioned requests.

Chairman Bell asked Mr. Ejike if his recommendations were in line with what Mr. Miller (via the bank) had requested.

Mr. Ejike said yes, except with the conditions Mr. Miller wanted to remove. Since this petition is going to be deferred, there needs to be a discussion concerning permits, zoning, and development issues so that Mr. Miller can have a thorough understanding of the reasons for these recommendations and resolve concerns. Commissioner Hambrick agreed with Mr. Ejike. Commissioner Hambrick and Chairman Bell asked if there were any opposition to this petition. There was no response from the audience. Hearing that there was no opposition, Vice-Chairman Ralph made a motion to table this petition. His motion was seconded by Commissioner Hambrick. Vote unanimous. (NOTE: It was generally determined that Mr. Miller would be notified when he would be required to appear before the Board for a decision.)

Mr. Hancock informed the Board that this petition could be taken off the table at any Regular Business Meeting.

14. ZONING PETITION: **JEFFERSON HOMES, INC./R. NEIL KOELBL/MOD201203-01**
 - 3) The Applicant, Jefferson Homes, Inc./R. Neil Koelbl, is requesting a modification to a condition placed upon a final plat for Wrights Crossing Subdivision located off of Mundy's Mill Road. The subject properties are currently zoned Single Family Residential (RS-180) and identified as lots on Chatuge Way, Rabun Way, and Sinclair Lane.

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Commission District #3 – Vice-Chairman Wole Ralph

Clerk Haywood asked if there were any opposition to this petition. There was no response from the audience.

Hearing that there was no opposition to this petition, Vice-Chairman Ralph made a motion to approve it. The only question that was previously raised was about the walking trails and it was determined that they will be developed once the houses have been built at the 50% threshold within the subdivision. Chairman Bell stated that this stipulation then remains. Vice-Chairman Ralph agreed that it did. He next asked if there were any other stipulations.

Ms. Krzic stated that the petitioner had submitted two (2) elevation drawings that show the side entry garages which Planning & Zoning has requested to be filed with the records.

Chairman Bell asked Ms. Krzic if that would be per plat. Ms. Krzic noted that the plat had already been accepted (with modifications).

Vice-Chairman Ralph reiterated his motion to approve, and it was seconded by Commissioner Singleton.

Before Chairman Bell could call for the ayes and nays, a gentleman named Mr. William White raised his hand in the audience to ask a question. Chairman Bell asked Mr. White if he were present in opposition to this petition. Mr. White answered yes. He stated he lived in Wright's Crossing and was trying to determine what the Board wanted to accomplish. Chairman Bell asked Mr. White to come forward to convey his concerns before the Board.

Since there appeared to be an opposition to this petition, Vice-Chairman Ralph withdrew his motion to approve it. For clarity, Vice-Chairman Ralph asked Mr. White if he were asking for information or if he were opposed to this petition. Mr. White indicated he was trying to find out exactly what the Board was doing in Wright's Crossing (in regards to this petition).

Chairman Bell questioned Mr. Hancock about whether Vice-Chairman Ralph needed to withdraw his motion since Mr. White was just trying to get information. Mr. Hancock replied that technically the Board needs to go back into the public hearing (due to Vice-Chairman Ralph's motion withdrawal).

By general consensus, the Board agreed to go back into the public hearing. Chairman Bell asked Mr. White to proceed with his questions/comments.

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Vice-Chairman Ralph suggested that the petitioner, Mr. Neil Koelbl, explain the process first for Mr. White's edification. Chairman Bell asked Mr. White to listen to Mr. Koelbl's petition presentation first and, if Mr. White had any comments thereafter, he would call Mr. White back.

Mr. Koelbl voiced that he wanted to construct homes in Wright's Crossing subdivision. His request was to remove the condition that 33% of the homes constructed in the subdivision be built with side entry garages. Mr. Koelbl informed the Board that he was not the original developer/builder, and the product he wanted to build did not allow for side entry garages on 70 foot lots. The product that he requested to build required 90 foot lots. As stated earlier, these houses will have decorative features; i.e., carriage style doors with the hinges on the side.

Chairman Bell asked Mr. Koelbl if he had otherwise conformed to the requirements of the Zoning Ordinance. Mr. Koelbl said yes, all other conditions would remain the same per the zoning and plat.

Mr. White commented that Mr. Koelbl's request would not be feasible because the houses in the subdivision now have front door entrance garages. He did not understand why there needed to be a change to the existing features. According to Mr. White, the subdivision is already over 60% built. The residents are presently having problems with the landscaping and snakes. No one minds the building, but everybody wants to conserve what already exists in the subdivision. Side entry garages would change the whole area.

Chairman Bell asked Mr. Ejike to respond to Mr. White's concerns.

Mr. Ejike explained that the frontage in the Wright's Crossing subdivision is 70 feet. Some lots have side entries and corner properties have bigger lots. He admitted that the 70 foot lots are really too tight to put in side entry garages; therefore, Planning and Zoning has approved the builder to build corrective type garages so that they give the facades some aesthetics. The builder is building some quality homes comparable to the existing homes in Wright's Crossing.

Vice-Chairman Ralph asked Mr. White if Mr. Ejike's explanation had answered his questions. Mr. White answered no, it did not. Vice-Chairman Ralph clarified that the petitioner is requesting to build homes on the lots that are underdeveloped now. There is a quandary with building houses on lots that are too small to have side entry garages; therefore, the builder wishes to substitute increased aesthetics on the garage itself. He assured Mr. White that nothing is being done to change the existing homes.

Mr. White questioned why the builder could not develop some walking trails now in Wright's Crossing

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Subdivision for the existing residents. Mr. Ejike emphasized that there is a condition on the plat that calls for a percentage on the number of houses built before walking trails are developed. Ms. Krzic added that the present percentage of houses built is 47%, so the trails would have to be under construction when three (3) more houses are built (at a 50% threshold). Chairman Bell explained to Mr. White that this was a part of the original stipulation and there was a percentage of homes prior to the completion of the project. That stipulation remains and, when the developer reaches that percentage (which is now three [3] homes), he will be required to construct the walking trails in the subdivision.

Mr. White stated he had another question pertaining to the retention pond in the 2nd Phase. There are only three (3) houses in the 2nd Phase and one of them is his. Nothing has been done so far and he wondered when something would be done.

Mr. Ejike said he thought the retention pond was a Transportation and Development issue. Once the subdivision is built out, the retention pond will be properly sized for the whole subdivision. Chairman Bell and Commissioner Singleton clarified that the retention pond is a Water Authority issue, not a Transportation and Development issue. Mr. Ejike concluded that building the homes in the subdivision will not affect the retention pond.

Another person in the audience raised her hand to be heard, and she identified herself as Joyce Gill. At the last meeting with the builder, Ms. Gill stated that he wanted to go from 33% to 0% -- meaning that the builder did not want to construct any homes at all with a side garage entry. Then the builder indicated that maybe one or two such homes would be built, but their location was still in question. Ms. Gill inquired if the subdivision would be going from 33% to 0% or 33% to 5% or if it is all or nothing. The builder also stated at that time that he would not be putting in walking trails because the homes had to be built out at 50% or more – so Ms. Gill wanted to know if walking trails would definitely be developed or not at all.

Chairman Bell stressed that the walking trails will be developed, as stipulated by this Board, when the houses are built at 50%. The subdivision is presently at 47% so, with the building of three (3) more houses, the walking trails will be under construction.

Ms. Krzic pointed out that the builder is requesting to completely eliminate the RS-180 requirement that 33% of the homes contain side entry garages. If the builder wishes to build side entry garage houses on the corner, they can still be built.

When this subdivision was originally developed, Vice-Chairman Ralph stated the stipulation was that

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33% of all homes in the subdivision had to have side entry garages. The previous developer has already built some of these homes, and the remaining lots are now too small to accommodate that stipulation (which is a challenge and an issue).

Mr. White asked the Board what would happen if the contractor had a problem with the money (financing). He wondered if the residents would get what they were supposed to have. Chairman Bell told Mr. White that the Board cannot build these houses. The Board can only stipulate what is to be built and it is prayerful that the builder will not run out of money like his predecessor. Chairman Bell asked Vice-Chairman Ralph to proceed with making a motion on this petition. Motion by Vice-Chairman Ralph, second by Chairman Bell, to approve this petition. The motion carried 4-1. Commissioner Edmondson opposed.

PUBLIC COMMENT:

1. Susie Atkinson, an 81-year old and a 30-year county resident, stated she had purchased a small home four years ago. Three years ago, she was burglarized during the day by perpetrators who came in from the woods in the back of her house (between Tabor Avenue and Mt. Zion Boulevard). Although a police report was filed, nothing was ever resolved. Two years later, her home was vandalized during the day and several items were stolen. Ms. Atkinson noted that she has installed a security system and security lights outside since then. This past Wednesday night, she went into the den to check her doors and they had been jimmied. One door was ajar, so she locked it and called the police. She stressed that more police are needed in Clayton County to protect the citizens. Many homes have now been burglarized on her street. If police would patrol the street and become more visible, then maybe the citizens will get some relief. Chairman Bell referred Ms. Atkinson to one of the Police deputies present in the business meeting to help resolve her situation.

2. Carl Swenson, a Morrow, Georgia resident, discovered last week that regardless of the county's moratorium on hiring, 138 positions (both full-time and part-time) will be added. He questioned the logic of hiring and the moral compass of this Board when there is an increasing deficit in the county. Property values continue to increase and citizens have to cut back, yet the county feels compelled to spend more money. Mr. Swenson made an Open Records request for the signed Oath of Office for every Board member through the Legal Office and promised to put that oath in the newspaper. Per Mr. Swenson, the commissioners are supposed to serve the citizens, not charge them.